

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UFCW UNION LOCAL NO. 88, et al.,)
)
Plaintiffs,)
)
v.) No. 4:15-cv-00232-AGF
)
JEREMY'S MARKETS AND MEATS,)
LLC,)
)
Defendant.)
)
)
)

MEMORANDUM AND ORDER

This matter is before the Court on Plaintiffs' motion for default judgment against Defendant Jeremy's Markets and Meats, LLC. Plaintiffs filed this action to recover unpaid delinquent contributions, owed to Plaintiffs pursuant to the Employee Retirement Income Security Act ("ERISA"), 29 U.S.C. § 1132 (g)(2). Plaintiffs are the union and trustees of the Employers Health and Welfare Fund.

On May 5, 2015, a Clerk's Entry of Default was entered as to Defendant. In their motion for default judgment, Plaintiffs seek judgment against Defendant in the amounts of \$6,752.00 for delinquent contributions, \$607.68 for interest, \$607.68 for interest in lieu of liquidated damages, \$1,755.00 for attorney's fees, and \$535.24 in costs, for a total of \$10,257.60 in damages. Plaintiffs have provided documentation supporting their assertion that they incurred these expenses. (Doc. Nos. 5-1, 5-2, & 5-3.)

“Where default has been entered, the allegations of the complaint, except as to the amount of damages are taken as true.” *Carpenters’ Dist. Council of Greater St. Louis and Vicinity v. Hard Rock Foundations, LLC*, No. 4:13CV01549 AGF, 2013 WL 6037097, at *2 (E.D. Mo. Nov. 14, 2013) (citation omitted). Furthermore, “in determining the amount of damages for a default judgment in an ERISA case brought by a plan against an employer, the court may rely on detailed affidavits or documentary evidence to determine the appropriate sum for the default judgment.” *Painters Dist. Council 2 v. Grau Contracting, Inc.*, No. 4:10CV02339 AGF, 2012 WL 2848708, at *1 (E.D. Mo. July 11, 2012) (internal quotation omitted). A plaintiff is entitled to recover all of the principal contributions owed pursuant to the payroll examination, interest, attorneys’ fees, and costs. 29 U.S.C. § 1132(g)(2)(E). Damages must be proven by a preponderance of the evidence. *See Iron Workers St. Louis Dist. v. Arrow Fence, Inc.*, No. 4:11CV02019 AGF, 2013 WL 991658, at *2 (E.D. Mo. Mar. 13, 2013). Plaintiffs have properly proven their damages by a preponderance of the evidence here.

Upon review of the record,

IT IS HEREBY ORDERED that Plaintiff’s Motion for Default Judgment is
GRANTED. (Doc No. 5.)

An appropriate Judgment showing Defendant’s full liability of \$10,257.60 shall accompany this Memorandum and Order.


AUDREY G. FLEISSIG
UNITED STATES DISTRICT JUDGE

Dated this 20th day of May, 2015.